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7 AMERICA'S WHOLESALE LENDER, INC.,
DENNIS L. BELL; AND CHERI B. ENGLISH-BELL
8

9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA – SOUTHERN DIVISION**

11 U.S. BANK NATIONAL
12 ASSOCIATION, AS TRUSTEE, ON
13 BEHALF OF THE HOLDERS OF THE
14 HARBORVIEW MORTGAGE LOAN
15 TRUST 2006-1 MORTGAGE LOAN
16 PASS-THROUGH CERTIFICATES,
SERIES 2006-1,

17 Plaintiff,

18 vs.

19 ROBBIE A. GATES, an individual; JOE
20 L. GATES, an individual; AMERICA'S
WHOLESALE LENDER, INC., a New
21 York Corporation; JAN VAN ECK (a/k/a
Maurits Van Eck a/k/a Mauritz Van Eck
22 a/k/a Maurice Van Eck), an individual;
DENNIS L. BELL, an individual;
23 CHERRI B. ENGLISH, an individual, et
al.
24

25 Defendants.

Case No.: 8:12-cv-01648-CJC-AN

HON. JUDGE CORMAC J. CARNEY

VERIFIED ANSWER

COMES NOW DEFENDANTS AMERICA'S WHOLESALE LENDER, INC.; ("AWLI"), DENNIS L. BELL, ("BELL"); and CHERI B. ENGLISH-BELL erroneously sued as CHERRI B. ENGLISH ("CHERI BELL") (collectively referred to as "Defendant" and/or "Defendants") answering the verified complaint ("complaint") of U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, ON BEHALF OF THE HOLDERS OF THE HARBORVIEW MORTGAGE LOAN TRUST 2006-1 MORTGAGE LOAN PASS-THROUGH CERTIFICATES, SERIES 2006-1 as follows:

RESPONSE TO ALLEGATIONS REGARDING JURISDICTION

1. In response to the allegations made in paragraph 1 of the complaint,, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and on that basis denies such allegation.
2. In response to the allegations made in paragraph 2 of the complaint,, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and on that basis denies such allegation.
3. In response to the allegations made in paragraph 3 of the complaint,, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and on that basis denies such allegation.
4. In response to the allegations made in paragraph 4 of the complaint,, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and on that basis denies such allegation.

- 1 5. In response to the allegations made in paragraph 5 of the FAC, Defendants lack
2 knowledge or information sufficient to form a belief as to the truth of the
3 allegations and on that basis denies such allegation.
4

5 **RESPONSE TO ALLEGATIONS REGARDING NATURE OF THE**
6 **ACTION**

- 7 6. In response to the allegations made in paragraph 6 of the COMPLAINT,
8 Defendants and each of them, plead and assert their fifth-amendment rights to
9 remain silent as guaranteed under the fifth-amendment to the United States
10 Constitution and under the California constitution.
11

12 **RESPONSE TO ALLEGATIONS REGARDING THE PARTIES**

- 13
14 7. In response to the allegations made in paragraph 7 of the complaint,
15 Defendants, and each of them, plead and assert their fifth-amendment rights to
16 remain silent as guaranteed under the fifth-amendment to the United States
17 Constitution and under the California constitution.
18
19 8. In response to the allegations made in paragraph 8 of the complaint, Defendants,
20 and each of them, plead and assert their fifth-amendment rights to remain silent
21 as guaranteed under the fifth-amendment to the United States Constitution and
22 under the California constitution.
23
24 9. In response to the allegations made in paragraph 9 of the complaint, Defendants,
25 and each of them, plead and assert their fifth-amendment rights to remain silent
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1 as guaranteed under the fifth-amendment to the United States Constitution and
2 under the California constitution.

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4 10. In response to the allegations made in paragraph 10 of the complaint,
5 Defendants, and each of them, plead and assert their fifth-amendment rights to
6 remain silent as guaranteed under the fifth-amendment to the United States
7 Constitution and under the California constitution.

8
9 11. In response to the allegations made in paragraph 11 of the complaint,
10 Defendants, and each of them, plead and assert their fifth-amendment rights to
11 remain silent as guaranteed under the fifth-amendment to the United States
12 Constitution and under the California constitution.

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14 12. In response to the allegations made in paragraph 12 of the complaint,
15 Defendants, and each of them, plead and assert their fifth-amendment rights to
16 remain silent as guaranteed under the fifth-amendment to the United States
17 Constitution and under the California constitution.

18
19 13. In response to the allegations made in paragraph 13 of the complaint,
20 Defendants, and each of them, plead and assert their fifth-amendment rights to
21 remain silent as guaranteed under the fifth-amendment to the United States
22 Constitution and under the California constitution.

23
24 14. In response to the allegations made in paragraph 14 of the complaint,
25 Defendants, and each of them, plead and assert their fifth-amendment rights to
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1 remain silent as guaranteed under the fifth-amendment to the United States
2 Constitution and under the California constitution.

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4 15. In response to the allegations made in paragraph 15 of the complaint,
5 Defendants, and each of them, plead and assert their fifth-amendment rights to
6 remain silent as guaranteed under the fifth-amendment to the United States
7 Constitution and under the California constitution.

8
9 16. In response to the allegations made in paragraph 16 of the complaint,
10 Defendants, and each of them, plead and assert their fifth-amendment rights to
11 remain silent as guaranteed under the fifth-amendment to the United States
12 Constitution and under the California constitution.

13
14 17. In response to the allegations made in paragraph 17 of the complaint,
15 Defendants, and each of them, plead and assert their fifth-amendment rights to
16 remain silent as guaranteed under the fifth-amendment to the United States
17 Constitution and under the California constitution.

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20 18. In response to the allegations made in paragraph 18 of the complaint,
21 Defendants, and each of them, plead and assert their fifth-amendment rights to
22 remain silent as guaranteed under the fifth-amendment to the United States
23 Constitution and under the California constitution.

RESPONSE TO ALLEGATIONS REGARDING THE SUBJECT PARTY

19. In response to the allegations made in paragraph 19 of the complaint, Defendants, and each of them, plead and assert their fifth-amendment rights to remain silent as guaranteed under the fifth-amendment to the United States Constitution and under the California constitution.

RESPONSE TO GENERAL ALLEGATIONS

20. In response to the allegations made in paragraph 20 of the complaint, Defendants, and each of them, plead and assert their fifth-amendment rights to remain silent as guaranteed under the fifth-amendment to the United States Constitution and under the California constitution.

21. In response to the allegations made in paragraph 21 of the complaint, Defendants, and each of them, plead and assert their fifth-amendment rights to remain silent as guaranteed under the fifth-amendment to the United States Constitution and under the California constitution.

22. In response to the allegations made in paragraph 22 of the complaint, Defendants, and each of them, plead and assert their fifth-amendment rights to remain silent as guaranteed under the fifth-amendment to the United States Constitution and under the California constitution.

23. In response to the allegations made in paragraph 23 of the complaint, Defendants, and each of them, plead and assert their fifth-amendment rights to

1 remain silent as guaranteed under the fifth-amendment to the United States
2 Constitution and under the California constitution.

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4 **24.** In response to the allegations made in paragraph 24 of the complaint,
5 Defendants, and each of them, plead and assert their fifth-amendment rights to
6 remain silent as guaranteed under the fifth-amendment to the United States
7 Constitution and under the California constitution.
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9 **25.** In response to the allegations made in paragraph 25 of the complaint,
10 Defendants, and each of them, plead and assert their fifth-amendment rights to
11 remain silent as guaranteed under the fifth-amendment to the United States
12 Constitution and under the California constitution.
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14 **26.** In response to the allegations made in paragraph 26 of the complaint,
15 Defendants, and each of them, plead and assert their fifth-amendment rights to
16 remain silent as guaranteed under the fifth-amendment to the United States
17 Constitution and under the California constitution.
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20 **27.** In response to the allegations made in paragraph 27 of the complaint,
21 Defendants, and each of them, plead and assert their fifth-amendment rights to
22 remain silent as guaranteed under the fifth-amendment to the United States
23 Constitution and under the California constitution.
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25 **28.** In response to the allegations made in paragraph 28 of the complaint,
26 Defendants, and each of them, plead and assert their fifth-amendment rights to
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1 remain silent as guaranteed under the fifth-amendment to the United States
2 Constitution and under the California constitution.

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4 **29.** In response to the allegations made in paragraph 29 of the complaint,
5 Defendants, and each of them, plead and assert their fifth-amendment rights to
6 remain silent as guaranteed under the fifth-amendment to the United States
7 Constitution and under the California constitution.
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9 **30.** In response to the allegations made in paragraph 30 of the complaint,
10 Defendants, and each of them, plead and assert their fifth-amendment rights to
11 remain silent as guaranteed under the fifth-amendment to the United States
12 Constitution and under the California constitution.
13

14 **31.** In response to the allegations made in paragraph 31 of the complaint,
15 Defendants, and each of them, plead and assert their fifth-amendment rights to
16 remain silent as guaranteed under the fifth-amendment to the United States
17 Constitution and under the California constitution.
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19
20 **32.** In response to the allegations made in paragraph 32 of the complaint,
21 Defendants, and each of them, plead and assert their fifth-amendment rights to
22 remain silent as guaranteed under the fifth-amendment to the United States
23 Constitution and under the California constitution.
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25 **33.** In response to the allegations made in paragraph 33 of the complaint,
26 Defendants, and each of them, plead and assert their fifth-amendment rights to
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1 remain silent as guaranteed under the fifth-amendment to the United States
2 Constitution and under the California constitution.

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4 **34.** In response to the allegations made in paragraph 34 of the complaint,
5 Defendants, and each of them, plead and assert their fifth-amendment rights to
6 remain silent as guaranteed under the fifth-amendment to the United States
7 Constitution and under the California constitution.

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9 **35.** In response to the allegations made in paragraph 35 of the complaint,
10 Defendants, and each of them, plead and assert their fifth-amendment rights to
11 remain silent as guaranteed under the fifth-amendment to the United States
12 Constitution and under the California constitution.

13
14 **36.** In response to the allegations made in paragraph 36 of the complaint,
15 Defendants, and each of them, plead and assert their fifth-amendment rights to
16 remain silent as guaranteed under the fifth-amendment to the United States
17 Constitution and under the California constitution.

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20 **37.** In response to the allegations made in paragraph 37 of the complaint,
21 Defendants, and each of them, plead and assert their fifth-amendment rights to
22 remain silent as guaranteed under the fifth-amendment to the United States
23 Constitution and under the California constitution.

24
25 **38.** In response to the allegations made in paragraph 38 of the complaint,
26 Defendants, and each of them, plead and assert their fifth-amendment rights to
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1 remain silent as guaranteed under the fifth-amendment to the United States
2 Constitution and under the California constitution.

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4 **39.** In response to the allegations made in paragraph 39 of the complaint,
5 Defendants, and each of them, plead and assert their fifth-amendment rights to
6 remain silent as guaranteed under the fifth-amendment to the United States
7 Constitution and under the California constitution.

8
9 **40.** In response to the allegations made in paragraph 40 of the complaint,
10 Defendants, and each of them, plead and assert their fifth-amendment rights to
11 remain silent as guaranteed under the fifth-amendment to the United States
12 Constitution and under the California constitution.

13
14 **41.** In response to the allegations made in paragraph 41 of the complaint,
15 Defendants, and each of them, plead and assert their fifth-amendment rights to
16 remain silent as guaranteed under the fifth-amendment to the United States
17 Constitution and under the California constitution.

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19
20 **42.** In response to the allegations made in paragraph 42 of the complaint,
21 Defendants, and each of them, plead and assert their fifth-amendment rights to
22 remain silent as guaranteed under the fifth-amendment to the United States
23 Constitution and under the California constitution.

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25 **43.** In response to the allegations made in paragraph 43 of the complaint,
26 Defendants, and each of them, plead and assert their fifth-amendment rights to
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1 remain silent as guaranteed under the fifth-amendment to the United States
2 Constitution and under the California constitution.

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4 **44.** In response to the allegations made in paragraph 44 of the complaint,
5 Defendants, and each of them, plead and assert their fifth-amendment rights to
6 remain silent as guaranteed under the fifth-amendment to the United States
7 Constitution and under the California constitution.
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9 **45.** In response to the allegations made in paragraph 45 of the complaint,
10 Defendants, and each of them, plead and assert their fifth-amendment rights to
11 remain silent as guaranteed under the fifth-amendment to the United States
12 Constitution and under the California constitution.
13

14 **46.** In response to the allegations made in paragraph 46 of the complaint,
15 Defendants, and each of them, plead and assert their fifth-amendment rights to
16 remain silent as guaranteed under the fifth-amendment to the United States
17 Constitution and under the California constitution.
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19
20 **47.** In response to the allegations made in paragraph 47 of the complaint,
21 Defendants, and each of them, plead and assert their fifth-amendment rights to
22 remain silent as guaranteed under the fifth-amendment to the United States
23 Constitution and under the California constitution.
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25 **48.** In response to the allegations made in paragraph 48 of the complaint,
26 Defendants, and each of them, plead and assert their fifth-amendment rights to
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1 remain silent as guaranteed under the fifth-amendment to the United States
2 Constitution and under the California constitution.

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4 **49.** In response to the allegations made in paragraph 49 of the complaint,
5 Defendants, and each of them, plead and assert their fifth-amendment rights to
6 remain silent as guaranteed under the fifth-amendment to the United States
7 Constitution and under the California constitution.
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9 **50.** In response to the allegations made in paragraph 50 of the complaint,
10 Defendants, and each of them, plead and assert their fifth-amendment rights to
11 remain silent as guaranteed under the fifth-amendment to the United States
12 Constitution and under the California constitution.
13

14 **51.** In response to the allegations made in paragraph 51 of the complaint,
15 Defendants, and each of them, plead and assert their fifth-amendment rights to
16 remain silent as guaranteed under the fifth-amendment to the United States
17 Constitution and under the California constitution.
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19
20 **52.** In response to the allegations made in paragraph 52 of the complaint,
21 Defendants, and each of them, plead and assert their fifth-amendment rights to
22 remain silent as guaranteed under the fifth-amendment to the United States
23 Constitution and under the California constitution.
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25 **53.** In response to the allegations made in paragraph 53 of the complaint,
26 Defendants, and each of them, plead and assert their fifth-amendment rights to
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1 remain silent as guaranteed under the fifth-amendment to the United States
2 Constitution and under the California constitution.

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4 **54.** In response to the allegations made in paragraph 54 of the complaint,
5 Defendants, and each of them, plead and assert their fifth-amendment rights to
6 remain silent as guaranteed under the fifth-amendment to the United States
7 Constitution and under the California constitution.
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9 **55.** In response to the allegations made in paragraph 55 of the complaint,
10 Defendants, and each of them, plead and assert their fifth-amendment rights to
11 remain silent as guaranteed under the fifth-amendment to the United States
12 Constitution and under the California constitution.
13

14 **56.** In response to the allegations made in paragraph 56 of the complaint,
15 Defendants, and each of them, plead and assert their fifth-amendment rights to
16 remain silent as guaranteed under the fifth-amendment to the United States
17 Constitution and under the California constitution.
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19
20 **57.** In response to the allegations made in paragraph 57 of the complaint,
21 Defendants, and each of them, plead and assert their fifth-amendment rights to
22 remain silent as guaranteed under the fifth-amendment to the United States
23 Constitution and under the California constitution.
24

25 **58.** In response to the allegations made in paragraph 58 of the complaint,
26 Defendants, and each of them, plead and assert their fifth-amendment rights to
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1 remain silent as guaranteed under the fifth-amendment to the United States
2 Constitution and under the California constitution.

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4 **59.** In response to the allegations made in paragraph 59 of the complaint,
5 Defendants, and each of them, plead and assert their fifth-amendment rights to
6 remain silent as guaranteed under the fifth-amendment to the United States
7 Constitution and under the California constitution.

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9 **60.** In response to the allegations made in paragraph 60 of the complaint,
10 Defendants, and each of them, plead and assert their fifth-amendment rights to
11 remain silent as guaranteed under the fifth-amendment to the United States
12 Constitution and under the California constitution.

13
14 **61.** In response to the allegations made in paragraph 61 of the complaint,
15 Defendants, and each of them, plead and assert their fifth-amendment rights to
16 remain silent as guaranteed under the fifth-amendment to the United States
17 Constitution and under the California constitution.

18
19 **62.** In response to the allegations made in paragraph 62 of the complaint,
20 Defendants, and each of them, plead and assert their fifth-amendment rights to
21 remain silent as guaranteed under the fifth-amendment to the United States
22 Constitution and under the California constitution.

23
24 **63.** In response to the allegations made in paragraph 63 of the complaint,
25 Defendants, and each of them, plead and assert their fifth-amendment rights to
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1 remain silent as guaranteed under the fifth-amendment to the United States
2 Constitution and under the California constitution.

3
4 **64.** In response to the allegations made in paragraph 64 of the complaint,
5 Defendants, and each of them, plead and assert their fifth-amendment rights to
6 remain silent as guaranteed under the fifth-amendment to the United States
7 Constitution and under the California constitution.
8

9 **65.** In response to the allegations made in paragraph 65 of the complaint,
10 Defendants, and each of them, plead and assert their fifth-amendment rights to
11 remain silent as guaranteed under the fifth-amendment to the United States
12 Constitution and under the California constitution.
13

14 **66.** In response to the allegations made in paragraph 66 of the complaint,
15 Defendants, and each of them, plead and assert their fifth-amendment rights to
16 remain silent as guaranteed under the fifth-amendment to the United States
17 Constitution and under the California constitution.
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19
20 **67.** In response to the allegations made in paragraph 67 of the complaint,
21 Defendants, and each of them, plead and assert their fifth-amendment rights to
22 remain silent as guaranteed under the fifth-amendment to the United States
23 Constitution and under the California constitution.
24

25 **68.** In response to the allegations made in paragraph 68 of the complaint,
26 Defendants, and each of them, plead and assert their fifth-amendment rights to
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1 remain silent as guaranteed under the fifth-amendment to the United States
2 Constitution and under the California constitution.

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4 **69.** In response to the allegations made in paragraph 69 of the complaint,
5 Defendants, and each of them, plead and assert their fifth-amendment rights to
6 remain silent as guaranteed under the fifth-amendment to the United States
7 Constitution and under the California constitution.

8
9 **70.** In response to the allegations made in paragraph 70 of the complaint,
10 Defendants, and each of them, plead and assert their fifth-amendment rights to
11 remain silent as guaranteed under the fifth-amendment to the United States
12 Constitution and under the California constitution.

13
14 **71.** In response to the allegations made in paragraph 71 of the complaint,
15 Defendants, and each of them, plead and assert their fifth-amendment rights to
16 remain silent as guaranteed under the fifth-amendment to the United States
17 Constitution and under the California constitution.

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20 **72.** In response to the allegations made in paragraph 72 of the complaint,
21 Defendants, and each of them, plead and assert their fifth-amendment rights to
22 remain silent as guaranteed under the fifth-amendment to the United States
23 Constitution and under the California constitution.

24
25 **73.** In response to the allegations made in paragraph 73 of the complaint,
26 Defendants, and each of them, plead and assert their fifth-amendment rights to
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1 remain silent as guaranteed under the fifth-amendment to the United States
2 Constitution and under the California constitution.

3
4 **RESPONSE TO FIRST CAUSE OF ACTION**

5 74. In response to the allegations made in paragraph 74 of the complaint,
6 Defendants, and each of them, plead and assert their fifth-amendment rights to
7 remain silent as guaranteed under the fifth-amendment to the United States
8 Constitution and under the California constitution.

9
10 75. In response to the allegations made in paragraph 75 of the complaint,
11 Defendants, and each of them, plead and assert their fifth-amendment rights to
12 remain silent as guaranteed under the fifth-amendment to the United States
13 Constitution and under the California constitution.

14
15 76. In response to the allegations made in paragraph 76 of the complaint,
16 Defendants, and each of them, plead and assert their fifth-amendment rights to
17 remain silent as guaranteed under the fifth-amendment to the United States
18 Constitution and under the California constitution.

19
20 77. In response to the allegations made in paragraph 77 of the complaint,
21 Defendants, and each of them, plead and assert their fifth-amendment rights to
22 remain silent as guaranteed under the fifth-amendment to the United States
23 Constitution and under the California constitution.

24
25 78. In response to the allegations made in paragraph 78 of the complaint,
26 Defendants, and each of them, plead and assert their fifth-amendment rights to
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1 remain silent as guaranteed under the fifth-amendment to the United States
2 Constitution and under the California constitution.

3
4 **79.** In response to the allegations made in paragraph 79 of the complaint,
5 Defendants, and each of them, plead and assert their fifth-amendment rights to
6 remain silent as guaranteed under the fifth-amendment to the United States
7 Constitution and under the California constitution.
8

9 **RESPONSE TO SECOND CAUSE OF ACTION**

10 **80.** In response to the allegations made in paragraph 80 of the complaint,
11 Defendants, and each of them, plead and assert their fifth-amendment rights to
12 remain silent as guaranteed under the fifth-amendment to the United States
13 Constitution and under the California constitution.
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16 **81.** In response to the allegations made in paragraph 81 of the complaint,
17 Defendants, and each of them, plead and assert their fifth-amendment rights to
18 remain silent as guaranteed under the fifth-amendment to the United States
19 Constitution and under the California constitution.
20

21 **82.** In response to the allegations made in paragraph 82 of the complaint,
22 Defendants, and each of them, plead and assert their fifth-amendment rights to
23 remain silent as guaranteed under the fifth-amendment to the United States
24 Constitution and under the California constitution.
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27 **83.** In response to the allegations made in paragraph 83 of the complaint,
28 Defendants, and each of them, plead and assert their fifth-amendment rights to

1 remain silent as guaranteed under the fifth-amendment to the United States
2 Constitution and under the California constitution.

3
4 **84.** In response to the allegations made in paragraph 84 of the complaint,
5 Defendants, and each of them, plead and assert their fifth-amendment rights to
6 remain silent as guaranteed under the fifth-amendment to the United States
7 Constitution and under the California constitution.

8
9 **85.** In response to the allegations made in paragraph 85 of the complaint,
10 Defendants, and each of them, plead and assert their fifth-amendment rights to
11 remain silent as guaranteed under the fifth-amendment to the United States
12 Constitution and under the California constitution.

13
14 **86.** In response to the allegations made in paragraph 86 of the complaint,
15 Defendants, and each of them, plead and assert their fifth-amendment rights to
16 remain silent as guaranteed under the fifth-amendment to the United States
17 Constitution and under the California constitution.

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19
20 **RESPONSE TO THIRD CAUSE OF ACTION**

21 **87.** In response to the allegations made in paragraph 87 of the complaint,
22 Defendants, and each of them, plead and assert their fifth-amendment rights to
23 remain silent as guaranteed under the fifth-amendment to the United States
24 Constitution and under the California constitution.

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27 **88.** In response to the allegations made in paragraph 88 of the complaint,
28 Defendants, and each of them, plead and assert their fifth-amendment rights to

1 remain silent as guaranteed under the fifth-amendment to the United States
2 Constitution and under the California constitution.
3

4 **89.** In response to the allegations made in paragraph 89 of the complaint,
5 Defendants, and each of them, plead and assert their fifth-amendment rights to
6 remain silent as guaranteed under the fifth-amendment to the United States
7 Constitution and under the California constitution.
8

9 **90.** In response to the allegations made in paragraph 90 of the complaint,
10 Defendants, and each of them, plead and assert their fifth-amendment rights to
11 remain silent as guaranteed under the fifth-amendment to the United States
12 Constitution and under the California constitution.
13

14 **91.** In response to the allegations made in paragraph 91 of the complaint,
15 Defendants, and each of them, plead and assert their fifth-amendment rights to
16 remain silent as guaranteed under the fifth-amendment to the United States
17 Constitution and under the California constitution.
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19 **92.** In response to the allegations made in paragraph 92 of the complaint,
20 Defendants, and each of them, plead and assert their fifth-amendment rights to
21 remain silent as guaranteed under the fifth-amendment to the United States
22 Constitution and under the California constitution.
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RESPONSE TO FOURTH CAUSE OF ACTION

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3 93. In response to the allegations made in paragraph 93 of the complaint,
4 Defendants, and each of them, plead and assert their fifth-amendment rights to
5 remain silent as guaranteed under the fifth-amendment to the United States
6 Constitution and under the California constitution.

7
8 94. In response to the allegations made in paragraph 94 of the complaint,
9 Defendants, and each of them, plead and assert their fifth-amendment rights to
10 remain silent as guaranteed under the fifth-amendment to the United States
11 Constitution and under the California constitution.

12
13 95. In response to the allegations made in paragraph 95 of the complaint,
14 Defendants, and each of them, plead and assert their fifth-amendment rights to
15 remain silent as guaranteed under the fifth-amendment to the United States
16 Constitution and under the California constitution.

17
18 96. In response to the allegations made in paragraph 96 of the complaint,
19 Defendants, and each of them, plead and assert their fifth-amendment rights to
20 remain silent as guaranteed under the fifth-amendment to the United States
21 Constitution and under the California constitution.

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23
24 97. In response to the allegations made in paragraph 97 of the complaint,
25 Defendants, and each of them, plead and assert their fifth-amendment rights to
26 remain silent as guaranteed under the fifth-amendment to the United States
27 Constitution and under the California constitution.
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1 **98.** In response to the allegations made in paragraph 98 of the complaint,
2 Defendants, and each of them, plead and assert their fifth-amendment rights to
3 remain silent as guaranteed under the fifth-amendment to the United States
4 Constitution and under the California constitution.

6 **99.** In response to the allegations made in paragraph 99 of the complaint,
7 Defendants, and each of them, plead and assert their fifth-amendment rights to
8 remain silent as guaranteed under the fifth-amendment to the United States
9 Constitution and under the California constitution.

11 **100.** In response to the allegations made in paragraph 100 of the complaint,
12 Defendants, and each of them, plead and assert their fifth-amendment rights to
13 remain silent as guaranteed under the fifth-amendment to the United States
14 Constitution and under the California constitution.

16 **101.** In response to the allegations made in paragraph 101 of the complaint,
17 Defendants, and each of them, plead and assert their fifth-amendment rights to
18 remain silent as guaranteed under the fifth-amendment to the United States
19 Constitution and under the California constitution.

21
22 **RESPONSE TO FIFTH CAUSE OF ACTION**

23
24 **102.** In response to the allegations made in paragraph 102 of the complaint,
25 Defendants, and each of them, plead and assert their fifth-amendment rights to
26 remain silent as guaranteed under the fifth-amendment to the United States
27 Constitution and under the California constitution.

1 **103.** In response to the allegations made in paragraph 103 of the complaint,
2 Defendants, and each of them, plead and assert their fifth-amendment rights to
3 remain silent as guaranteed under the fifth-amendment to the United States
4 Constitution and under the California constitution.
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6 **104.** In response to the allegations made in paragraph 104 of the complaint,
7 Defendants, and each of them, plead and assert their fifth-amendment rights to
8 remain silent as guaranteed under the fifth-amendment to the United States
9 Constitution and under the California constitution.
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11 **105.** In response to the allegations made in paragraph 105 of the complaint,
12 Defendants, and each of them, plead and assert their fifth-amendment rights to
13 remain silent as guaranteed under the fifth-amendment to the United States
14 Constitution and under the California constitution.
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16 **106.** In response to the allegations made in paragraph 106 of the complaint,
17 Defendants, and each of them, plead and assert their fifth-amendment rights to
18 remain silent as guaranteed under the fifth-amendment to the United States
19 Constitution and under the California constitution.
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21 **107.** In response to the allegations made in paragraph 107 of the complaint,
22 Defendants, and each of them, plead and assert their fifth-amendment rights to
23 remain silent as guaranteed under the fifth-amendment to the United States
24 Constitution and under the California constitution.
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RESPONSE TO PRAYER FOR RELIEF

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3 1. In response to the allegations made in paragraph 1 of the complaint (PRAYER
4 FOR RELIEF), Defendants, and each of them, plead and assert their fifth-
5 amendment rights to remain silent as guaranteed under the fifth-amendment to
6 the United States Constitution and under the California constitution.
7
- 8 2. In response to the allegations made in paragraph 2 of the complaint
9 (PRAYER FOR RELIEF), Defendants, and each of them, plead and assert
10 their fifth-amendment rights to remain silent as guaranteed under the fifth-
11 amendment to the United States Constitution and under the California
12 constitution.
13
- 14 3. In response to the allegations made in paragraph 3 of the complaint (PRAYER
15 FOR RELIEF), Defendants, and each of them, plead and assert their fifth-
16 amendment rights to remain silent as guaranteed under the fifth-amendment to
17 the United States Constitution and under the California constitution.
18
- 19 4. In response to the allegations made in paragraph 4 of the complaint (PRAYER
20 FOR RELIEF), Defendants, and each of them, plead and assert their fifth-
21 amendment rights to remain silent as guaranteed under the fifth-amendment to
22 the United States Constitution and under the California constitution.
23
- 24 5. In response to the allegations made in paragraph 5 of the complaint
25 (PRAYER FOR RELIEF), Defendants, and each of them, plead and assert
26 their fifth-amendment rights to remain silent as guaranteed under the fifth-
27
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1 amendment to the United States Constitution and under the California
2 constitution.

3
4 **AFFIRMATIVE DEFENSES**

5 Without waiving or excusing Plaintiff's Burden of Proof, or admitting that
6 Defendant's have any burden of proof, Defendants hereby assert the following separate
7 and distinct affirmative defenses to the complaint and claim for relief asserted against
8 Defendants, and each of them, and hereby allege as follows:
9

10 **FIRST AFFIRMATIVE DEFENSE**

11
12 **(Failure to State a Claim)**

13 108. The complaint, and each cause of action and request for relief therein, fails to
14 state a claim upon which relief may be granted.
15

16 **SECOND AFFIRMATIVE DEFENSE**

17 **(Comparative Fault of Third Parties)**

18 109. Defendants are informed and believe and, based thereon, allege, that if
19 Defendants are subjected to any liability to Plaintiffs it will be due, in whole or
20 in part, to the acts, omissions, activities, carelessness, recklessness, negligence,
21 and/or intentional misconduct of others; wherefore, any recovery obtained by
22 Plaintiff against Defendant should be reduced in the proportion to the
23 respective negligence and fault, and legal responsibility of all other parties,
24 persons, and entities, their agents, servants, and/or employees who contributed
25 to and/or caused any such injury and/or damages, in accordance with the law of
26
27
28

1 comparative negligence; the liability of Defendants, if any, is limited in direct
2 proportion to the percentage of fault actually attributed to it.

3
4 **THIRD AFFIRMATIVE DEFENSE**

5 **(Failure to bring action in name of the Real Party in Interest)**

6
7 110. Defendants are informed and believe and, based thereon, alleges that Plaintiff
8 is not the *real party in interest* to assert and prosecute their claims against
9 Defendants including all causes of action and/or requests for relief set forth in
10 the complaint.

11
12 **FOURTH AFFIRMATIVE DEFENSE**

13 **(Lack of Standing)**

14
15 111. Defendants are informed and believes and, based thereon, alleges that Plaintiff
16 lacks *legal and constitutional standing* to assert and prosecute their claims
17 against Defendants including all causes of action and/or requests for relief set
18 forth in the complaint.

19
20 **FIFTH AFFIRMATIVE DEFENSE**

21 **(Intervening/Superseding Causes)**

22
23 112. Defendants are informed and believes and, based thereon, alleges that the
24 injuries and damages of which Plaintiff complains were proximately caused, or
25 contributed to, by the acts of other parties, persons and/or entities, including
26 other Defendants and/or third parties not named in the suit, or DOE or ROE
27 Defendants, and that said acts and/or omissions were an intervening and
28

1 superseding cause of the injuries and damages complained of, if any, which
2 Plaintiff complains, thus barring Plaintiff from any recovery against
3 Defendants.
4

5 **SIXTH AFFIRMATIVE DEFENSE**

6 **(Roe Defendant)**

7
8 113. Defendants are not legally responsible for the acts and/or omissions of those
9 additional parties named and/or to be named as Roes.
10

11 **SEVENTH AFFIRMATIVE DEFENSE**

12 **(Assumption of the Risk)**

13 114. Defendants are informed and believes and, based thereon, alleges that
14 Plaintiffs at all times knew of and fully understood the danger and risks
15 incident to acts undertaken by them, but despite such knowledge, freely and
16 voluntarily assumed and exposed themselves to all risks of harm and
17 consequential injuries and damages, if any, resulting therefrom and cannot now
18 seek recovery.
19
20

21 **EIGHTH AFFIRMATIVE DEFENSE**

22 **(Contribution)**

23
24 115. The injuries and damages, if any, sustained by Plaintiffs at the times and places
25 alleged in the Complaint were a direct and proximate result of the acts,
26 omissions, or negligence of third parties not within the knowledge or control of
27 Defendants.
28

1 **NINTH AFFIRMATIVE DEFENSE**

2 **(Indemnification)**

3
4 116. To the extent Defendants may be liable to Plaintiff, third parties are required
5 to indemnify Defendant.

6 **TENTH AFFIRMATIVE DEFENSE**

7
8 **(Reservation of Rights re: Additional Affirmative Defenses)**

9 117. Defendants presently have insufficient knowledge or information upon which
10 to form a belief as to whether it may have additional, as yet unstated
11 affirmative defenses available. Defendants reserve herein their right to assert
12 additional defenses in the event that discovery indicates they would be
13 appropriate.
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PRAYER FOR RELIEF

WHEREFORE, Defendants pray as follows:

1. That Plaintiffs take nothing by way of their Complaint
2. That Defendant's be awarded its attorneys' fees and costs of suit incurred herein
3. For other and further relief as the Court deems just and proper

RESPECTFULLY SUBMITTED

Dated: December 21, 2012

THE LAW OFFICES OF STEVEN C.
VONDRAN, P.C.

By: /s/ Steven C. Vondran
Steven C. Vondran, Esq.

steve@vondranlaw.com
Attorney representing Defendants
AMERICA'S WHOLESALE
LENDING, INC.; DENNIS L.
BELL; CHERI B. ENGLISH-
BELL;

VERIFICATION

I, *Dennis Bell*, declare (on behalf of defendants AWLI and Bell);

I have read the foregoing answers and affirmative defenses to the verified complaint and believe that the matters stated therein are true and correct.

I declare under penalty of perjury under the laws of the State of California and under the law of the United States of America that the foregoing is true and correct.

Executed on December 21, 2012 at CORNWELL COUNTY Kentucky



DENNIS BELL

I, *Cheri English-Bell*, declare;

I have read the foregoing answers and affirmative defenses to the verified complaint and believe that the matters stated therein are true and correct.

I declare under penalty of perjury under the laws of the State of California and under the law of the United States of America that the foregoing is true and correct.

Executed on December 21, 2012 at CORNWELL COUNTY Kentucky


CHERI ENGLISH-BELL

PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF ORANGE

I am employed by The Law Offices of Steven C. Vondran, P.C. in the County of Orange, State of California. I am over the age of 18 and not a party to the above-captioned action. My business address is 620 Newport Center Drive, Suite 1100, Newport Beach, CA, 92660. I also have an office at 2415 E. Camelback Road, Suite 700, Phoenix, Arizona 85016.

On December 21, 2012, I served the foregoing document(s) in the within action, described as:

DEFENDANT DENNIS L. BELL, AMERICA'S WHOLESALE LENDER, INC., CHERI B. ENGLISH-BELL' ANSWER TO COMPLAINT AND AFFIRMATIVE DEFENSES (VERIFIED).

On the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

☐ **BY MAIL:** By placing a true and correct copy thereof enclosed in a sealed envelope addressed as above, with postage thereon fully prepared, in the U.S. Mail at Newport Beach, CA. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal service on the same day with postage thereon fully prepaid at Newport Beach, CA, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing as stated in the affidavit.

☐ **BY OVERNIGHT COURIER:** I served the foregoing document by Federal Express, an express service carrier which provides overnight delivery, as follows. I placed true copies of the foregoing document(s) in sealed envelopes or packages designated by the express service carrier, addressed to each interested party as forth above, with fees for overnight delivery paid or provided for.

☐ **BY FAX:** By use of a facsimile machine I transmitted a true copy of the foregoing document(s) to the addressee(s) listed above at the facsimile number(s) noted after the party's address. The transmission was reported as complete and without error.

☐ **BY PERSONAL SERVICE:** I caused such envelope to be delivered by hand to the offices of the addressee(s) listed above.

☒ **BY ELECTRONIC SERVICE:** The document will be served upon e-filing, via the United States District Court-Central District's CM/ECF electronic transfer system which generates a Notice of Electronic Filing (NEF) upon the assigned judge and any party who is a registered user in the case.

☐ **(State)** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

1 [X] **(Federal)** I declare that I am employed in the office of a member of the bar of this
2 Court at whose direction the service was made. I declare under penalty of perjury under
the laws of the United States of America that the foregoing is true and correct.

3 Executed on December 21, 2012, at Flagstaff, Arizona
4

5 Dated: December 21, 2012 THE LAW OFFICES OF STEVEN C.
6 VONDRAN, P.C.

7
8 By: /s/ Steven C. Vondran
Steven C. Vondran, Esq.
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SERVICE LIST (Electronic filing)

Jeffrey Bradpiece

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(Plaintiff)